

AMENDED IN SENATE JUNE 27, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN SENATE MAY 16, 2016

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2001**

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**Introduced by Assembly Member Mathis**

February 16, 2016

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An act to amend Section 5515 of, and to add Section 2089.7 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Mathis. Fully protected fish: Owens-River pupfish: California State Safe Harbor Agreement Program Act.

Existing law prohibits the taking or possession of a fully protected fish, except as provided, and designates the Owens-River pupfish as a fully protected fish. Under existing law, the Department of Fish and Wildlife is authorized to permit the taking of a fully protected fish for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species.

Existing law, the California State Safe Harbor Agreement Program Act, establishes a program to encourage landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species without being subject to additional regulatory restrictions as a result of their conservation efforts. The act authorizes the department to authorize specified acts that are otherwise

prohibited pursuant to the California Endangered Species Act by entering into a safe harbor agreement. Under existing law, the act remains in effect until January 1, 2020.

This bill would authorize the department to permit the taking of the Owens River pupfish in the Owens River and Mojave River watersheds if the take is authorized under a safe harbor agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2089.7 is added to the Fish and Game  
2 Code, to read:  
3 2089.7. The department may authorize the taking of the Owens  
4 River pupfish in the Owens River and Mojave River watersheds  
5 if the take is authorized under an agreement pursuant to this article.  
6 SEC. 2. Section 5515 of the Fish and Game Code is amended  
7 to read:  
8 5515. (a) (1) Except as provided in this section, or Section  
9 2081.6, 2081.7, 2089.7, or 2835, a fully protected fish may not be  
10 taken or possessed at any time. No provision of this code or any  
11 other law shall be construed to authorize the issuance of a permit  
12 or license to take a fully protected fish, and no permit or license  
13 previously issued shall have force or effect for that purpose.  
14 However, the department may authorize the taking of a fully  
15 protected fish for necessary scientific research, including efforts  
16 to recover fully protected, threatened, or endangered species.  
17 Before authorizing the take of a fully protected fish, the department  
18 shall make an effort to notify all affected and interested parties to  
19 solicit information and comments on the proposed authorization.  
20 The notification shall be published in the California Regulatory  
21 Notice Register and be made available to each person who has  
22 notified the department, in writing, of his or her interest in fully  
23 protected species and who has provided an email address, if  
24 available, or postal address to the department. Affected and  
25 interested parties shall have 30 days after notification is published  
26 in the California Regulatory Notice Register to provide relevant  
27 information and comments on the proposed authorization.

1 (2) As used in this subdivision, “scientific research” does not  
2 include an action taken as part of specified mitigation for a project,  
3 as defined in Section 21065 of the Public Resources Code.

4 (3) A legally imported fully protected fish may be possessed  
5 under a permit issued by the department.

6 (b) The following are fully protected fish:

7 (1) Colorado River squawfish (*Ptychocheilus lucius*).

8 (2) Thicktail chub (*Gila crassicauda*).

9 (3) Mohave chub (*Gila mohavensis*).

10 (4) Lost River sucker (*Catostomus luxatus*).

11 (5) Modoc sucker (*Catostomus microps*).

12 (6) Shortnose sucker (*Chasmistes brevirostris*).

13 (7) Humpback sucker (*Xyrauchen texanus*).

14 (8) Owens-River pupfish (*Cyprinoden radiosus*).

15 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*  
16 *williamsoni*).

17 (10) Rough sculpin (*Cottus asperrimus*).